



**City of
Norfolk**

Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

May 15, 2015

Attached are the minutes of the City Council meeting held on Tuesday, May 12, 2015.

Breck

NORFOLK, VIRGINIA

REGULAR SESSION OF COUNCIL

TUESDAY, MAY 12, 2015

President Fraim called the meeting to order at 4:35 p.m. with the following members present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn.

He thereupon called the first item of business

The Manager noted that the National Automotive Fleet Association has just recognized Norfolk's Fleet Operations as one of the top 100 in the country. He congratulated Mr. Sullivan and Fleet Maintenance Manager, Mr. Tassara who spearheaded this effort. He noted that Norfolk is the first city in Hampton Roads to make this list, adding that the recognition stems from out-sourcing to locking into fuel contracts as well as some preventive maintenance programs.

BUDGET DISCUSSION

Mayor Fraim asked the Manager to address closing the school budget gap. The Manager stated 100 additional students will result in more state funding, the schools have found about \$2 million, \$1.5 million in city CTI funds can be counted to close the school budget gap, 4th quarter assessments will provide another \$400,000 and fuel and health care savings will meet the total \$4.8 million the schools requested to fully fund the budget.

Mr. Smigiel asked about the added ongoing increases due to schools taking on the nurses and the 2% pay increase. The Manager responded they become part of the next year's budget base. He also asked if the Manager discussed shared services with the interim superintendent. The Manager answered in the affirmative.

Mayor Fraim noted discussion on school maintenance needs, the career technical school, recreation centers and parks and suggested using the SRO funds to apply to these areas.

He noted discussion on an additional supplement for retirees, dredging in Broad Creek and Pretty Lake and the career technical school and suggested using the nearly \$2 million of the undesignated fund balance to fund these items.

Mr. Riddick noted the need for pedestrian safety improvements at the senior high rise on Tidewater Drive and Norview Avenue. The administration responded a plan is being prepared.

Dr. Whibley expressed concern about code enforcement, stating more is needed particularly around ODU.

Mrs. Graves noted the poor condition of the road at Ballentine ramps to I-264 and asked for funding to repair it. She also asked for pedestrian safety improvements at Poplar Hall and Military Highway.

Mr. Smigiel noted Tarrellton is trying to raise funds for a dog park and suggested NBN funding to help. He asked for funding to continue property acquisitions in Denby Park, and \$50,000 in additional funding for the schools to use as incentives for hiring quality teachers.

Mr. Protogyrou suggested improving the location for holding public safety memorial services. Mayor Fraim noted there is nearly \$3 million in public art funds for the civic center plaza that could be used for that purpose.

Mayor Fraim summarized the budget adjustments as follows:

- \$1 million for Career Technical School planning purposes.
- \$200,000 for retirees' supplement increase
- \$200,000 for dredging of Pretty Lake, Broad Creek
- \$200,000 for Denby Park property acquisitions
- \$100,000 for personnel as needed (Code Enforcement)
- \$50,000 for NPS (stipend for Math and Science teachers, and will not be a directive)

COUNCIL INTERESTS

1. Councilman Riddick stated that he believes the city should cut its ties with the Cordish Company. He asked what it would cost to do so.
2. Councilman Winn asked if some type of signage could be put at Waterside so people know that it's not open.
3. Councilwoman Whibley expressed concern regarding what was billed as "workforce housing" when developed by Old Dominion University on 43rd Street but is now used for student rental. She stated that it is quickly deteriorating and expressed great frustration at this turn of events. She expressed similar frustration with the new housing on 26th Street in Lamberts Point. Vice Mayor Graves recommended in the future that a homeowners' association should be required.

4. With regard to Docket Item R-10: Vice Mayor Graves asked for an update on the programs and projects that have been implemented and how money is being spent. Councilwoman Johnson asked if monies could be used in relation to Norfolk Public Schools and suggested having officers at some of the schools.

URBAN DEVELOPMENT AREA GRANT AWARD

George Homewood, Director of Planning, reported as follows:

- This is a \$120,000 Grant managed by VDOT to study the Military Circle area and the light rail station for potential redevelopment into a mixed-use, transit orientated development including residential, office and recreational components.
- A city council member is needed to sit on a Steering Committee beginning in June or July. Vice Mayor Graves volunteered to serve on the committee.

SMART PROCESSING

George Homewood, Director of Planning, reported as follows:

- This is being implemented as a new way of doing business and getting the city out of the way.
- In emerging districts such as the Arts District, Chelsea, 35th Street and Five Points utilize tactics such as zoning flexibility and building code flexibility and analyze them as test areas for actions that can be used citywide.
- It also includes protecting and reusing existing buildings.
- Key to this strategy is taking a flexible approach by, for example, evaluating the benefit/cost ratio for certain regulations.
- Reducing costs to business by waiving or reducing city fees and eliminating or reducing processes that are ineffective.
- Implementation can be included in the rewrite of the zoning ordinance.

Mr. Riddick noted Janaf is a shopping area trying to improve itself and suggested improving access to and visibility of the shopping area. He also suggested looking at ways to bring more vitality back to Church Street.

MAYFLOWER ROAD STREET CLOSING

George Homewood, Director of Planning, reported as follows:

- This is a proposal to close a paper street portion of Mayflower Road at Nichal Court and sell to adjoining property owners who will transform it to a living shoreline.
- A pedestrian easement will be provided to maintain public access.
- The Planning Commission recommended approval of the request on November 21, 2013.

UPDATE ON SELDEN ARCADE

Deputy City Manager Ron Williams reported two key investigations are still pending. The insurance company will return next week. Some of the switch gear and all the electrical wires that ran through the conduit from the electrical room needs to be removed so that they can conclude the investigation. He added that part of the delay in retrieving the equipment is due to the Commonwealth's Attorney's office investigating as well. Once those are completed then rebuild efforts can begin. In addition, some tenants have been able to re-open: D'Egg and Starbucks reopened May 1. The Cuisine at Slover Library as well as the second-floor children's section will take a little longer. They expect to have a better idea next week of the actual rebuild plan and how long it will take. Mayor Fraim stressed that this needs to be a priority. Councilman Protogyrou urged that the City Attorney's office be involved as well.

CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause (s) 1 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act**, as amended:

- (1) Discussion of candidates for appointment to city boards, commissions and authorities.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, MAY 12, 2015 – 7:00 P.M.

Mayor Fraim called the meeting to order at 7:00 p.m.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CEREMONIAL MATTERS

President Fraim read a proclamation proclaiming the month of **May 2105 as Bike Month** in the City of Norfolk. Markus Wegener, Chairman of the Bike Commission accepted the proclamation.

President Fraim read a proclamation proclaiming the month of **May 2015 as Foster Care Month**. Steve Hawks, Director of Human Services, accepted the proclamation. He was accompanied by Human Services staff members Becky Downs, Shanice Nordstrom, Tonia Wheeler, Kiashanta Hernandez and foster parent, Michelle Greer.

PUBLIC HEARING

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on an Ordinance authorizing the exchange of parcels of real property between the **City of Norfolk and Norfolk Redevelopment and Housing Authority**.

Michael Clark, Norfolk Redevelopment and Housing Authority representative, 201 Granby Street, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the exchange of parcels of real property between the **City of Norfolk and Norfolk Redevelopment and Housing Authority**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit mixed uses on property located at **935 Woodrow Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-1A An Ordinance entitled, "An Ordinance granting a **Pedestrian Commercial Overlay District Development Certificate** to permit the renovation of an industrial building and conversion to mixed uses at **935 Woodrow Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit townhouses on property located at **3243 Granby Street**," was introduced in writing and read by its title.

ACTION: The matter was continued generally.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as "Bottle Box" on property located at **325 West 21st Street, Suite B**," was introduced in writing and read by its title.

Melissa Duenke and Stephanie Weil, 325 W. 21st Street were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as "Brick Anchor Brew-House" on property located at **241 Granby Street**," was introduced in writing and read by its title.

Michael Gassett and Phil Smith, 241 Granby Street, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as "Brick Anchor Brew-House" on property located at **241 Granby Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Downtown Development Certificate** to permit the renovation of an existing building and the construction of a new building on properties located at **123 and 133 West Charlotte Street and 434 to 460 Boush Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving an **Encroachment Agreement** with Paint, LLC., t/a Starving Artist Café, for property located at **4408 Colley Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7 Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting Marjorie L. Robertson to encroach into the right of way of a ten-foot alley east of **Keller Avenue**, with a six-foot tall wooden privacy fence," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a **National Fish and Wildlife Foundation Grant** in an amount not to exceed \$80,000 for the implementation of Storm Water Best Management Practices and appropriating and authorizing the expenditure of the \$80,000 Grant and \$60,000 in matching funds for Water Quality Improvements Practices and Projects," was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9 Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$1,548,476 **Storm Water Local Assistance Fund Grant** for the implementation of Flood Reduction and Environmental Sustainability and appropriating and authorizing the expenditure of the \$1,548,476 Grant and \$1,548,476 match funds for the Water Quality Improvement Projects,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-10 Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$225,000 Grant Award from the **Commonwealth of Virginia, Office of the Attorney General, Violent Gang and Gun Crime Reduction Grant Program**, and appropriating and authorizing the expenditure of the funds for various expenses and projects of the Norfolk Police Department’s Project Safe Neighborhoods Program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-11 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an amendment to the lease agreement with **Philly D, LLC, for 204 Main Street**, a property in the City of Norfolk, **SO AS TO** provide relief and rebate of rent due to construction and façade rehabilitation interfering with Lessee’s course of business,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-12 Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the **Norfolk Police Foundation** to use the name of the Norfolk Police Department in soliciting charitable donations to be given to the City for use in support of the Police Department," was introduced in writing and read by its title.

Attorney Eddie Wolcott, 7336 Shirland Avenue, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-13 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of \$3,449.63, plus interest, to **Choice Convenience, Inc.** based upon the overpayment of its business license tax for the year 2015," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-14 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of \$3,009.24, plus interest, to **Golf Management, Inc.** based upon the overpayment of admission taxes for the year 2015," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-15

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of \$4,261.08, plus interest, to **Robert Frank Wright, Inc**, based upon the overpayment of business personal property taxes for the tax years 2012 through 2014," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. Thomas Calhoun, 5443 Welaka Road, commented that none of the four members of the school board should be re-appointed; that the board would need to hire a new superintendent, which is a very big task and reiterated that he is not in favor of the ward system for the election of school board members.
2. Yasmine Cooper, 212 West 29th Street, commented that the four members up for reappointment would still be in office in 2018 and questioned the process of appointing the school board by city council. Stated that her civic league had not received a letter outlining the process.
3. Danny Lee Ginn, 3844 Dare Circle, expressed dissatisfaction with the Resolution adopted by council on the rules and conduct in the council chamber.